



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: FEBRUARY 1, 2022**

FROM: PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT **WARD: 1**

SUBJECT: DECLARATION OF EMERGENCY AND RESOLUTION OF URGENT NECESSITY FOR THE REPAIR OF THE WATERLINE AT BUBBLING WELLS LAKE AT FAIRMOUNT PARK AND CONSTRUCTION AGREEMENT WITH STILWELL CONSTRUCTION, INC. IN THE AMOUNT OF \$65,703.56

ISSUE:

Approve Declaration of Emergency and Resolution of Urgent Necessity for the repair of Bubbling Wells Lake at Fairmount Park; and approve the Construction Agreement with Stilwell Construction, Inc. of Riverside, CA in the total amount of \$65,703.56.

RECOMMENDATIONS:

That the City Council:

1. With at least five affirmative votes, approve the Declaration of Emergency and Resolution of Urgent Necessity for the repair of Bubbling Wells Lake at Fairmount Park in accordance with City Charter 1109;
2. Approve the Construction Agreement with Stilwell Construction, Inc. in the total amount of \$65,703.56 for the repair of the waterline at Bubbling Wells Lake; and
3. Authorize the City Manager, or his designee, to execute the Construction Agreement with Stilwell Construction, Inc., including making minor and non-substantive changes.

BACKGROUND:

Fairmount Park was commissioned in 1911 and is the City of Riverside's historic landmark number 69. The park offers many amenities to park goers including the lakes. Due to its historic nature, it is urgent that Fairmount Park and the lakes continue to receive the adequate maintenance required. Due to an initial underground water leak found and observed by maintenance staff, an immediate request for a qualified contractor was made to render necessary services. Upon the contractor's inspection it was determined that further investigation would be required to know the extent of the repair needed.

On July 27, 2021, the Parks, Recreation and Community Services Department (PRCSD) entered into an agreement with Stilwell Construction, Inc. in the total amount of \$27,126.00 to excavate, repair and replace 6 feet of a steel pipe. Due to complications and blockage being greater than 6 feet, additional work was required.

On August 16, 2021, an amendment to the agreement was made with Stilwell Construction, Inc. increasing the total contract amount from \$27,126.00 to \$35,976.32 to clear out 400 feet of a blocked waterline and use of a camera to determine the issue.

On September 17, 2021, a second amendment to the agreement was made with Stilwell Construction, Inc. increasing the total contract amount from \$35,976.32 to \$65,703.56 to run a camera to locate the second water leak, cut and replace 6 feet of piping and clean the water line.

On October 4, 2021, Stilwell Construction, Inc. completed the project by cutting off a damaged riser and welding a new pipe.

DISCUSSION:

The PRCSD requested an emergency repair on the second amendment. The nature of the repair has resulted in additional work. Excavating, replacing, and clearing large portions of the waterline of roots, organic debris, etc. has shown additional blockage resulting in the need for further clearance. Due to the City's warm temperatures, the water level of the lake has dropped several inches, resulting in structural damage to the surrounding area. As a result of processing the agreement, coordinating with the vendor, adhering to city policies, and ensuring that the Purchasing Division's guidelines were met, PRCSD incurred additional repairs, and in turn the Fairmount lake lost several more inches of water. The water level dropped so low that the Department became concerned about possible damage to infrastructure surrounding the lake, which in turn could negatively impact public health, environmental concerns regarding the surrounding natural landscape, and wildlife. The Department concerns and issues are as follows:

1. Damage to the root structure of two trees with a value of over \$100,000 each that have had to be removed.
2. Bacteria buildup due to stagnation and low water resulting in fish die off and future negative effects to other wildlife.
3. Stagnant water attracts insects making the lake repair urgent for public health concerns.
4. Structural damage to the Boathouse and potential public health concern due to low water levels and a raised structure making the building accessible from underneath.

To prevent further damage and maintain public health and safety, it is urgent that Stilwell Construction, Inc. continues the repairs required at Fairmount Lake. The heat has accelerated the water loss of the lake and if this is not repaired, it will cause further damage and expenses, while increasing the potential of public health concerns. The severity of the water loss can be seen in the pictures below



The PRCSO is requesting emergency repair for the lake per Purchasing Resolution No. 23812 Section 301 (d). While the need for Emergency Procurement is recognized, the practice shall be curtailed as much as possible by anticipating needs so that normal Competitive Procurement may be used. A - Using Agency operation directly affecting the public health, welfare or safety, the protection of public property, or personal/confidential information, is so severely impacted by any cause that personal injury or property destruction appears to be imminent and probable unless Goods, Services or Construction designed or intended to mitigate the risks thereof are Procured immediately.

Purchasing Manager concurs that the recommendation in this report is in compliance with Purchasing Resolution No. 23812 Section 301 (d).

STRATEGIC PLAN ALIGNMENT:

The repair of the water line is in alignment with **Strategic Priority 1 – Arts, Culture and Recreation** and **goals 1.3** and **1.4** fulfilling critical maintenance needs and prioritizing safety at trails and parks.

The item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – A timely repair of the lake and restoring the waterline will prevent future public health issues as a result of stagnant water.
2. **Equity** – Fairmount Park is used by parkgoers city-wide and from outside of the community. They will all benefit from a safe and clean environment.
3. **Fiscal Responsibility** – The decreased water level has caused damage to existing historic trees. Allowing the vendor to continue the repair will prevent further damage the City will need to repair to the surrounding area and infrastructure.
4. **Innovation** – Updating, repairing, and maintaining infrastructure allows the City to continue to meet the recreational needs of the community.

5. **Sustainability & Resiliency** – Adequately maintaining infrastructure allows the park to continue to be enjoyed by residents and park goers.

FISCAL IMPACT:

The total fiscal impact of the action is \$65,703.56. Funds are budgeted and available in the General Fund, Parks Maintenance/Repair of Building and Improvement Account No. 5215000-424130. Funds have been encumbered in the account to pay for the repair of the waterline.

Prepared by:	Pamela M. Galera, Parks, Recreation and Community Services Director
Certified as to availability of funds:	Edward Enriquez, Chief Financial Officer/Treasurer
Approved by:	Kris Martinez, Assistant City Manager
Approved as to form:	Phaedra A. Norton, City Attorney
Attachments:	1. Resolution 2. Agreement with Stilwell Construction, Inc.